REMARKS

Claims 1-17 are presented for examination. Claims 1, 10, 16, and 17 have been amended. No new matter has been added. Claims 1, 4-6 and 8-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,213,255 (Markel) in view of U.S. Patent Publication No. 2001/0029523 (Mcternan) in view of U.S. Patent Publication No. 2004/0128343 (Mayer) in view of U.S. Patent No. 6,934,812 (Robbin) in view of U.S. Patent No. 6,981,227 (Taylor). The Applicant respectfully submits that claims 1, 4-6, and 8-9 are patentable over the cited art, for the following reasons.

Amended independent claim 1 recites a client system comprising a bandwidth measurement device determining the bandwidth of a network connection over which a content file is downloaded, a download manager retrieving over the network connection and storing in a mass storage device a portion of a first file comprising video content and a second file comprising an interactive element, the size of the portion of the first file responsive to the bandwidth determination made by the bandwidth measurement device, and a presentation manager (i) retrieving the portion of the first file from mass storage, (ii) displaying with a media player application video content represented by the portion of the first file, (iii) retrieving the second file from mass storage, and (iv) displaying with a media player application the interactive element semi-transparently over the video content, wherein the download manager retrieves over the network connection the remainder of the first file in response to the presentation manager displaying the retrieved portion of the first file.

Markel is understood to disclose software programs for previewing combined video and interactive content. A computer in Markel includes an interactive TV (iTV) producer that is used to generate a combined video and interactive content stream. The iTV producer may comprise a software program loaded into the computer that receives a media object, such as video data, as well as an HTML object that comprises interactive TV content stored in a storage device. The iTV producer combines the HTML object and the media object in a desired fashion. (Col. 4, lines 1-13).

Mcternan is understood to disclose systems and methods that allow the efficient distribution of rich media to clients by maximizing the use of available bandwidth and

client processing capabilities. A rich media presentation is divided into discrete components, and a producer of the presentation specifies how a presentation is to be assembled and where resources needed for the presentation are to be found. This information is packaged into a data structure and sent to clients. (Abstract).

Mayer is understood to disclose a method and system wherein some segments of at least one program are downloaded from a central location and/or pre-stored in a memory at the premises of the customer. When the customer activates a request, the remaining (complementary) segments of the requested program are streamed over the network from a designated server to the customer's device, where they are combined with the first, pre-stored segments, and rendered by the device to provide the consumer with an immediate, high-quality program experience. (Abstract).

The Office Action indicates that Markel, Mcternan, and Mayer are silent with respect to (i) retrieving the portion of the first file from mass storage, (ii) displaying with a media player application video content represented by the portion of the first file, (iii) retrieving the second file from mass storage, and (iv) displaying with a media player application the interactive element semi-transparently over the video content, wherein the download manager retrieves over the network connection the remainder of the first file in response to the presentation manager displaying the retrieved portion of the first file. (Office Action, pages 4-5).

The Office Action relies on Robbin to cure the deficiencies of Markel, Mcternan, and Mayer. In particular, the Office Action cites col. 9, lines 51-62 of Robbin as curing the deficiencies of Markel, Mcternan, and Mayer. It is respectfully submitted that this passage of Robbin does not, however, cure the deficiencies of Markel, Mcternan, and Mayer. This passage of Robbin discloses playing a particular media item on a media player, the playing including:

> (b1) retrieving the initial media data portion of the particular media item from the storage disk; (b2) playing the initial portion of the particular media item using the initial media data portion as retrieved from the storage disk, without first storing the initial media data portion into the cache memory; (b3) loading, concurrently with at least one of said retrieving (b1) and said playing (b2), at least a remaining media data portion of the particular media item into the cache memory from the storage disk; and (b4) thereafter playing the remaining media data portion of the particular media item from cache memory.

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Applicant respectfully submits that Robbin does not disclose wherein the download manager retrieves over the network connection the remainder of the first file in response to the presentation manager displaying the retrieved portion of the first file. Robbin discloses retrieving its media item portions from Robbin's media player's storage disk and not over a network connection.

Further, Robbin discloses loading a remaining media data portion of the particular media data item concurrently with Robbin's retrieving and/or the playing. Robbin does not disclose retrieving a remaining media data portion in response to a presentation manager displaying the retrieved portion of the first file. Robbin's loading occurs at the same time as Robbin's retrieving or playing but is not in response to a presentation manager displaying the retrieved portion of the first file.

Taylor does not cure the deficiencies of Robbin. Taylor discloses systems and methods for a dimmable user interface. A user interface is simultaneously displayed with video content or other data in the same window of a display device. The user interface has a level of transparency that is user adjustable. Taylor does not, however, disclose wherein the download manager retrieves over the network connection the remainder of the first file in response to the presentation manager displaying the retrieved portion of the first file. As a result, independent claim 1, and the claims that depend from independent claim 1, are allowable over the cited art, either alone or in combination.

Claims 10 and 14-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Robbin in view of Markel and further in view of Taylor. Amended independent claims 10 and 17 contain similar claim elements as independent claim 1. As described above, neither Robbin, Markel, or Taylor disclose the elements recited in independent claims 10 and 17. As a result, independent claims 10 and 17, and the claims that depend from independent claims 10 and 17, are allowable over the cited art, either alone or in combination.

Claims 11 and 13 were rejected under 35 U.S.C. 103(a) as being unpatentable over Robbin in view of Markel in view of Taylor and Mcternan. As described above, however, none of these references teach or suggest the elements recited in independent claim 10. Therefore, claims 11 and 13, which depend from independent claim 10, are

also allowable over the cited art, alone or in combination, for the reasons described above.

Claims 2-3 were rejected under 35 U.S.C. 103(a) as being unpatentable over Markel in view of Mcternan in view of Mayer in view of Robbin in view of Taylor in view of U.S. Patent No. 5,583,561 (Baker). Baker does not, however, cure the deficiencies of Markel, Mcternan, Mayer, Robbin, and Taylor, as described above.

Baker discloses a system and method for distributing real-time, compressed, digital video data from a video library composed of multiple mass storage devices through a digital video data server to large numbers of viewers via distribution networks. The server obtains selected frames of video data for viewer-requested programs from high-speed memory using a buffering strategy, replicates the data via a multi-cast technique for each viewer listed in an assigned synchronization group and forwards the data to each viewer's site where it is decompressed, decoded, and converted for display on a television monitor or computer display. Each viewer maintains interactive control over the transmission of the digital video data.

Baker does not, however, disclose wherein a download manager retrieves over a network connection a remainder of a first file in response to a presentation manager displaying a retrieved portion of the first file, as recited in amended independent claim 1. As a result, independent claim 1, and the claims that depend from independent claim 1, are allowable over Baker, alone or in combination with the other cited art.

Claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Markel in view of Mcternan in view of Mayer in view of Robbin in view of Taylor in view of U.S. Patent Publication 2003/0140349 (Kato).

Kato discloses an information display apparatus which enables an operator to perform a facilitated operation based on the information pertinent to a picture displayed on a display device, using the picture as a clue. The display apparatus acquires, from an information source, an information container including the information for specifying the picture information and the related information associated with the picture information specified by the picture information specifying information, interprets the information container, then acquires and displays the picture information. When the operator has specified the picture information, the information display apparatus initiates the

processing based on the related information pertinent to the so specified picture information.

Kato does not, however, disclose wherein a download manager retrieves over a network connection a remainder of a first file in response to a presentation manager displaying a retrieved portion of the first file, as recited in amended independent claim 1. As a result, independent claim 1, and the claims that depend from independent claim 1, are allowable over Kato, alone or in combination with the other cited art.

Claim 12 was rejected under 35 U.S.C. 103(a) as being unpatentable over Robbin in view of Markel in view of Taylor in view of U.S. Patent Publication No. 2003/0163702 (Vigue).

Vigue discloses a system and method for secure and verified sharing of resources in a peer-to-peer network environment to facilitate efficient use of bandwidth. The method for securely sharing resources over a peer-to-peer network generally comprises broadcasting a request by a requesting peer for a resource over the peer-to-peer network where the resource is identified with a resource version identifier, receiving a response from a responding peer on the peer-to-peer network indicating that the responding peer has the requested resource, retrieving the requested resource from the responding peer, and verifying the retrieved resource by ensuring the retrieved resource contains the version identifier embedded therein.

Vigue does not, however, cure the deficiencies noted above. In particular, Vigue does not disclose retrieving, in response to displaying with a media player application content represented by a portion of a first content file, the remainder of the first content file over a network connection, as recited in amended independent claim 10. As a result, independent claim 10, and the claims that depend from independent claim 10, are allowable over Vigue, alone or in combination with the other cited art.

Accordingly, it is submitted that none of the above-cited references, considered either alone or in combination, render obvious the invention defined in independent claims 1, 10, and 17. Any claim dependent from these independent claims are patentable over the cited references for the same reasons.

Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for
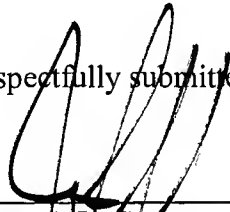
allowance and Notice to that effect is respectfully solicited. Additional characteristics or arguments may exist that distinguish the claims over the prior art cited by the Examiner, and Applicant respectfully preserves their right to present these in the future, should they be necessary. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

The Applicant's attorney may be reached by telephone at 212-801-9220. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

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